

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

		)	
<b>COREY WHITE,</b>		)	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>		)	
		)	<b>NO. 02-4066</b>
<b>v.</b>		)	
		)	
<b>POLICE OFFICER BLOCKER, et al.</b>		)	
<b>Defendants.</b>		)	
		)	

**DEFENDANTS POLICE OFFICER ERIC BLOCKER, POLICE OFFICER  
MICHAEL IANNAONE, POLICE OFFICER JOSE ROMAN,  
POLICE OFFICER ALFONSE JOHNSON AND POLICE OFFICER CLAUDIA MCDONALD'S  
PRETRIAL MEMORANDUM**

Pursuant to Local Rule 16(c) and this Court's Order of February 18, 2004, Defendants, by and through the undersigned counsel, hereby file this Pretrial Memorandum.

## I. NATURE OF CASE AND JURISDICTION

Plaintiff alleges that Defendants, including Police Officers Eric Blocker, Michael Iannacone, Jose Roman, Alfonse Johnson and Claudia McDonald, used excessive force in connection with his arrest on or about February 6, 2002. Plaintiff had been wanted in connection with a reported burglary on or about January 30, 2002, in which he absconded from the scene and from law enforcement officials on that date. Plaintiff also had an outstanding parole violation. Plaintiff, who had been spotted by Defendants on February 6, 2002 in the area of 60<sup>th</sup> and Greenway in Philadelphia, fled from them and resisted their attempts to lawfully arrest him. It is worth noting that Plaintiff does not challenge the lawfulness of the arrest.

This Court has jurisdiction over Plaintiff's civil rights claims pursuant to 28 U.S.C. §§ 1331 and §1343, and may exercise supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

## **II. COUNTER STATEMENT OF THE CASE<sup>1</sup>**

On February 6, 2002, Plaintiff Corey White was in the area of 60<sup>th</sup> and Greenway in Philadelphia, when he was spotted by Defendants, who were on assigned patrol in two vehicles. Plaintiff had been wanted in connection with a reported burglary at 1900 S. Redfield on or about January 30, 2002, in which he had fled from law enforcement on the scene.

As Defendant Police Officer Michael Iannacone exited his vehicle, Plaintiff proceeded to flee. Officer Iannacone identified himself as police, and gave chase to Plaintiff. Defendant Police Officer Blocker exited the same vehicle as Officer Iannacone, and trailed behind the latter officer. Plaintiff ran into the rear yard of 2039 Salford Street. As Officer Iannacone approached, Plaintiff proceeded to punch Officer Iannacone several times; Officer Iannacone attempted to restrain Plaintiff and both fell to the ground and continued struggling. Officer Blocker arrived and attempted to handcuff Plaintiff with Officer Iannacone, but Plaintiff was able to resist and broke free from both officers, pushing them aside.

Plaintiff then ran from the yard. Police Officer Jose Roman then attempted to restrain Plaintiff and was able to subdue him to the ground. Police Officers Iannacone, Roman, Blocker and Alfonse Johnson eventually were able to handcuff Plaintiff, who continued resisting.

Plaintiff does not challenge the lawfulness of the arrest. Plaintiff also had an outstanding parole violation prior to his February 6, 2002 arrest.

## **III. DAMAGES**

- Plaintiff requests monetary compensation.

## **IV. WITNESSES**

- Corey White  
EB0632  
SCI-Retreat  
660 State Rt. 11  
Hunlock Creek, PA 18621-3136

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<sup>1</sup> Although Plaintiff has noted in his pretrial memorandum a list of "Proposed Stipulated Facts," no such facts have been stipulated to by counsel.

- Police Officer Michael Iannacone  
c/o City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102
- Police Officer Eric Blocker  
c/o City of Philadelphia Law Department  
address same as above
- Police Officer Alfonse Johnson  
c/o City of Philadelphia Law Department  
address same as above
- Police Officer Claudia McDonald  
c/o City of Philadelphia Law Department  
address same as above
- Police Officer Jose Roman  
c/o City of Philadelphia Law Department  
address same as above
- Clerk of Quarter Sessions  
Philadelphia County  
1301 Filbert Street, Room 310  
Philadelphia, PA 19107

Defendants also reserve the right to call witnesses listed on Plaintiff's pretrial memorandum and any other witnesses that may become relevant during trial. Defendants also reserve the right to object to the admissibility of testimony of Plaintiff's witnesses listed in his pretrial memorandum.

#### **IV. EXHIBITS**

- DEF-1** Plaintiff's Amended Complaint
- DEF-2** Photographs of Location of Incident, (a) through (e)
- DEF-3** Philadelphia County Court of Common Pleas, Criminal Division, April Term, 2002, No. 0106:
- a. Certified copy of criminal conviction
  - b. Written guilty plea colloquy
  - c. Transcript of guilty plea proceedings
- DEF-4** Plaintiff's Arrest Photograph, Philadelphia Police Department
- DEF-5** Plaintiff's Mercy-Crozer ("Misericordia") Hospital medical records
- DEF-6** Detainee Medical Checklist, 2/7/02

- DEF-7** 75-49 Arrest Report, 1/30/02, Philadelphia Police Department
- DEF-8** 75-48 Incident Reports, 2/6/02, (a) through (e)
- DEF-9** 75-49 Arrest Report, 2/6/02, Philadelphia Police Department
- DEF-10** Photographs of Officer Blocker and Officer Iannacone, (a) through (e)
- DEF-11** Temple University Records for Officer Iannacone

Defendants reserve the right to amend this list should supplemental information become available or relevant. Defendants also reserve its right to use Plaintiff's exhibits listed in his pretrial memorandum. Defendants also reserve the right to object to the admissibility of Plaintiff's exhibits listed in his pretrial memorandum.

**V. TIME FOR TRIAL**

Trial will likely take from 3-4 days.

**VI. SPECIAL MATTERS**

Plaintiff has filed a Motion in Limine to preclude evidence of his criminal record, history of drug use, and references to drugs found on Plaintiff's person on the date of incident in question. Defendants have filed a reply in response to Plaintiff's motion.

**DATE:** April 26, 2004

**BY:** \_\_\_\_\_  
Peter D. Han  
Assistant City Solicitor

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<b>Defendants.</b>		)	
		)	

## CERTIFICATE OF SERVICE

I, Peter D. Han, do hereby certify that service of a true and correct copy of the Defendants' Pretrial Memorandum has been served upon the following individuals by regular mail, on the date below.

**TO:** Teri B. Himebaugh, Esq.  
220 Stallion Lane  
Schwenksville, PA 19473  
Attorney for Plaintiff

**DATE:** April 26, 2004

**BY:** \_\_\_\_\_  
Peter D. Han  
Assistant City Solicitor  
Attorney for Defendants